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PTO/SB/64 (10-01)

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)Docket Number (Optional)
11738.00079

First named inventor: Harper

Application No.: 09/266,674

Group Art Unit: 3763

Filed: March 11, 1999

Examiner: K. Simons

Title: Hydrophobic Vent Incorporated into Cerebral Spinal Fluid Drainage Chamber

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703)305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity - fee \$_____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity - fee \$1,280.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Amendment Under C.F.R. 1.116 (identify type of reply):

- ☒ has been filed previously on June 28, 2000.
- ☐ is enclosed herewith.

B. The issue fee of \$

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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OFFICE OF PETITIONS

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

June 5, 2002
Date

Curtis D. Kinghorn
Signature

Telephone
Number: (763) 505-2913

Curtis D. Kinghorn

Typed or printed name

Medtronic, Inc.

Address

710 Medtronic Parkway NE

LC 340

Minneapolis, MN 55432

Enclosures: ☒ Fee Payment

- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unintentional delay
- ☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service as "Express Mail Post Office to Addressee" under 37 CFR § 1.10 on the date indicated above in an envelope addressed to:

United States Patent and Trademark Office
Washington, D.C. 20231

☐ transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

Date

Signature

Typed or printed name of person signing certificate



Additional Sheet 1 of 1

1. The instant application was filed by the PS Medical Business of Medtronic. At the time of filing the instant application, Mr. Kinghorn had responsibility for the application as part of his job responsibilities as Patent Counsel for the PS Medical Business.
2. The Examiner allowed multiple claims in the instant application in a final Office Action mailed Dec. 28, 1999. Mr. Kinghorn responded with an Amendment under 37 CFR 1.116 on June 28, 2000 in an effort to put the case in condition for allowance. The Examiner refused the entry of the amendment by an Advisory Action on August 9, 2000. The Office sent a notice of abandonment on September 12, 2000.
3. Mr. Kinghorn was traveling extensively for and was distracted by litigation matters for Medtronic in the time period of receipt of this refusal and at the time of the receipt of the notice of abandonment. Because of the press of other business, Mr. Kinghorn inadvertently did not respond to the receipt of the notice of abandonment.
4. On or about February 14, 2001, Mr. Kinghorn changed responsibilities within Medtronic to become a Senior Legal Counsel for the PS Medical Business of Medtronic.
5. Because of Mr. Kinghorn's new job responsibilities, the prosecution of patent applications for PS Medical was moved to outside law firms. Unfortunately, responsibility for the instant application was inadvertently not passed to the outside law firm
6. The fact that the instant application had become abandoned and had not been revived was later discovered by Mr. Kinghorn. Mr. Kinghorn referred the matter to the undersigned. This petition to revive followed.